

the bottles containing the remainder of the said article, regarding the article and the ingredients contained therein, were false and misleading and deceived and misled the purchaser by representing the said article to be made from apples when it was not. Misbranding was alleged for the further reason that the statement on the bottle labels, "Net Contents One Pint," was false and misleading and deceived and misled the purchaser into the belief that each of the said bottles contained 1 pint of cider vinegar when it did not, being short in volume. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged with respect to a portion of the article for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar.

On May 15, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11472. Misbranding of DuBois Pefic pills. U. S. v. 12 Dozen Packages and 10 Dozen Packages of DuBois Pefic Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14687, 14688. I. S. Nos. 10652-t, 10653-t. S. Nos. W-900, W-901.)

On March 29, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 dozen packages of DuBois Pefic pills, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by W. J. Baumgartner, Detroit, Mich., in part January 22 and in part February 23, 1921, and transported from the State of Michigan into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "DuBois Pills \* \* \* Reliable Female Tonic and Regulator. \* \* \* a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Need-less pain and suffering may be prevented by the use of DuBois Pills which are purely vegetable. \* \* \* a female tonic exerting helpful medicinal action over the female organs. \* \* \* of utmost value in assisting in the relieving of pains, due to leucorrhoea, etc., and regulating the menses. \* \* \* suppressed menstruation, painful menstruation \* \* \* For leu-corrhoea \* \* \* In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the mens-trual period is delayed due to taking cold or exposure. \* \* \* When the period is irregular \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the circulars enclosed in the packages containing the article, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 4, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11473. Misbranding of Pep-Tonic. U. S. v. 9 Bottles, et al., of Pep-Tonic. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15424, 15713 to 15720, incl., 15964, 15965. I. S. Nos. 2016-t, 2017-t, 2018-t, 2021-t, 2022-t, 2023-t, 2024-t, 2025-t, 2030-t, 2031-t, 3916-t. S. Nos. C-3270, C-3355, C-3420.)

On November 14 and December 15, 1921, and February 9, 1922, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 87 bottles of Pep-Tonic, in various lots at Richmond, Lyndon, Concordia, Manhattan, Belvue, Blaine, Westmoreland, St. Marys, Riley, Leonardville, and Skiddy, Kans.,

respectively, alleging that the article had been shipped by the Puritan Products Co., from Clinton, Ill., between the dates of October 6, 1920, and September 22, 1921, and transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article involved in all the consignments was labeled in part: (Bottle) "A Medicine For The Prevention Of Cholera, Also Stomach And Intestinal Worms In Swine \* \* \* We will refund your money if Pep-Tonic fails to prevent cholera, also stomach or intestinal worms in swine, when used strictly as per directions on bottle \* \* \* Use Pep-Tonic The First Two Weeks \* \* \* To Remove The Worms \* \* \* If the hogs have worms they will begin to come out by the end of the first week, but keep up the treatment for another week, then give as directed for prevention \* \* \*. After you have given Pep-tonic for two weeks, as above stated, give it three times each week, as a \* \* \* prevention;" (carton) "A medicine For Prevention Of Cholera Also For Prevention And Expulsion Of Stomach And Intestinal Worms In Swine. \* \* \* We will refund your money if Pep-Tonic fails to prevent cholera; also stomach or intestinal worms in swine, when used strictly as per directions; \* \* \* Hog Cholera \* \* \*. Get rid of the worms. Pep-Tonic will do it, and will keep your hogs so healthy \* \* \*. It is a worm and cholera medicine. It prevents the big losses caused by cholera and worms \* \* \*. Pep-Tonic will kill and expel stomach and intestinal worms in swine \* \* \*. You don't have to feed wormy hogs, Pep-Tonic will rid your hogs of them. Its use will keep hogs of any size, age, sex or condition in perfect health. Pep-Tonic does the work every time. No question about it and no question about results." A portion of the article was accompanied by a circular which contained in part the following: "Pep-Tonic As A Cure And Prevention Of Hog Cholera And As An Expeller And Prevention Of Stomach And Intestinal Worms In Swine \* \* \*. Why grow \* \* \* wormy \* \* \* hogs when it can be avoided. \* \* \* Use the Guaranteed Medicine, indorsed by hundreds of successful growers of swine—the Medicine that has been tried, tested and found true. \* \* \* Pep-Tonic will kill and remove intestinal worms in swine within one week \* \* \*. It is used to prevent Cholera and for the expulsion and prevention of stomach and intestinal worms \* \* \* Pep-tonic \* \* \* keeps them well \* \* \* Feeding a sick or wormy hog means a loss you can avoid. Keep your hogs healthy. Peptonic will do it \* \* \* Peptonic Kills And Removes Stomach And Intestinal Worms You don't have to feed wormy hogs. This wonderful medicine will rid your hogs of worms. It is a proven fact \* \* \* This medicine does the work where other so-called remedies fail. Peptonic \* \* \* is a worm and cholera medicine. Its use will keep hogs of any size, aged, sex or condition free from worms and healthy. It prevents the big losses caused by cholera and worms \* \* \* There is no guess work about it and no question about results. Use this medicine and you will rid your hogs of worms." A second portion of the article was accompanied by a circular which contained among others the following statements: "Feeding a hog that is wormy Means A Loss You Can Avoid. Keep your hogs healthy—Peptonic will do it \* \* \* No Worms When You Butcher When you butcher, if you have used Peptonic the right way, you will find \* \* \* the intestines \* \* \* free from worms."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 76 per cent of salt, 7 per cent of potassium permanganate, 9 per cent of potassium bichromate, and a small quantity of starch, in tablet form.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding its therapeutic or curative effects, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circulars, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and to create in the minds of purchasers the impression and belief that it was in whole or in part composed of or contained ingredients capable of producing the therapeutic effects claimed in the said statements, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On December 28, 1921, and March 15 and June 14, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*